

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4111

IN THE MATTER OF:

Served June 15, 1993

Investigation of Failure to File)
Annual Report and Order to Show)
Cause Why Operating Authority)
should not be Suspended or Revoked,)
Directed to:)

IRONSIDES MEDICAL TRANSPORTATION)
CORPORATION (No. 31))

Case No. MP-93-15

ELLIS B. HARRISON, SR., Trading as)
AREA TRANSPORTATION COMPANY (No. 49))

Case No. MP-93-16

DAVID C. PEARSON, Trading as E&H)
TRANSPORTATION COMPANY (No. 53))

Case No. MP-93-17

RICHARD W. BUTLER (No. 84))

Case No. MP-93-18

V.I.P. TOURS (No. 85))

Case No. MP-93-19

ALBERT STRANGE, Trading as ALBERT)
STRANGE MAXI VAN SERVICE (No. 95))

Case No. MP-93-20

BILL APPELL, Trading as PERSONAL)
PACE TOURS/TECH TOURS WASHINGTON)
(No. 130))

Case No. MP-93-21

ON-TIME AMERICAN TRANSPORT, INC.)
(No. 133))

Case No. MP-93-22

CARE ACCESS, INC. (No. 141))

Case No. MP-93-23

MERCY AMBULETTE SERVICES, INC.)
(No. 149))

Case No. MP-93-24

AUTOMATED BUSINESS SYSTEMS AND)
SERVICES, INC. (No. 154))

Case No. MP-93-25

WESTSCOT LIMITED PARTNERSHIP)
(No. 163))

Case No. MP-93-26

D.A.Y. ENTERPRISES, INC. (No. 166))

Case No. MP-93-27

BETHANY TRAVEL AGENCY, INC., Trading)
as BETHANY TRAVEL AND LIMOUSINE)
SERVICE (No. 185))

Case No. MP-93-28

BOSTON COACH - WASHINGTON CORP.)
(No. 186))

Case No. MP-93-29

C&M CORPORATION (No. 209))

Case No. MP-93-30

GUNTHER CHARTERS, INC. (No. 213))

Case No. MP-93-31

Under the Compact, Title II, Article XII, Section 1(a), and Commission Regulation No. 60-01, each of the above-captioned carriers was obligated to file an annual report for 1992 on or before April 30, 1993. By letter of March 18, 1993, the filing date was extended to May 3, and each carrier was furnished a form for reporting the required information. None of these carriers filed its report by the due date. A reminder notice was mailed May 14, 1992. The Commission has yet to receive a completed annual report from any of these carriers. No requests for extension of time were or are granted.

The Compact, Title II, Article XIII, Section(6)(f), provides that a person who knowingly and willfully violates a provision of the Compact or regulation thereunder shall be subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for any subsequent violation. Each day of the violation constitutes a separate violation. In addition, the Compact, Title II, Article XI, Section 10(c), provides that the Commission, after notice and hearing, may suspend or revoke a certificate of authority for willful failure to comply with the Compact or Commission regulation.

Each of the above-named carriers is found to have knowingly and willfully failed timely to file its annual report for 1992, and each will be assessed a civil forfeiture of \$100 therefor. In addition, the certificate of authority of each above-named carrier that fails timely to comply with the requirements of this order will be suspended.

THEREFORE, IT IS ORDERED:

1. That these proceedings are hereby initiated for the purpose of determining whether the certificate of authority of each of the above-captioned carriers should be suspended and/or revoked for failure to file an annual report.

2. That each of the above-captioned carriers is made a party respondent in the proceeding in which it is named.

3. That these proceedings are hereby consolidated for hearing commencing Thursday, July 15, 1993, at 10:00 a.m., in the hearing room of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104.

4. That each of the above-captioned carriers is hereby directed to appear at the above-scheduled hearing and give evidence, if any there be, to show cause why its certificate of authority should not be suspended or revoked.

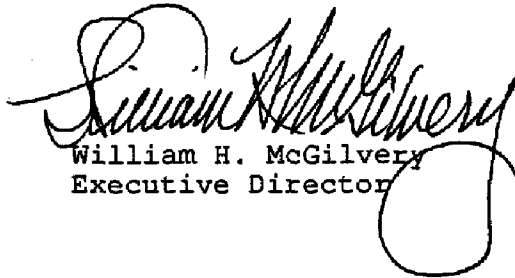
5. That pursuant to the Compact, Title II, Articles XIII and XIV, each of the above-captioned carriers is hereby assessed and directed to pay to the Commission, on or before Friday, July 2, 1993, the sum of \$250, which sum includes \$150 estimated to cover the Commission's expenses in conducting each of the above-captioned proceedings plus a \$100 civil forfeiture for knowing and willful failure timely to file its annual report.

6. That in lieu of a hearing and payment of estimated expenses, each of the above-captioned carriers may at any time on or before Friday, July 16, 1993, file its completed annual report and pay to the Commission a civil forfeiture in the amount of \$100.

7. That each of the above-captioned carriers which shall not have paid the required hearing assessment plus civil forfeiture and appeared at the above-scheduled hearing, or filed its annual report and paid the civil forfeiture in lieu thereof, shall be found to have knowingly and willfully failed to comply with the requirements of this order, and the certificate of authority of each such carrier shall stand suspended effective 12:01 a.m., Friday, July 16, 1993.

8. That any carrier whose certificate of authority is suspended by action of the preceding paragraph shall have 30 days from the effective date of such suspension to show good cause, if any there be, in writing and under oath, why its certificate of authority should not be revoked for knowing and willful failure to comply with this order and the requirements cited herein.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS DAVENPORT, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director